

EXHIBIT C-12

Termite Control Cal. App. Docket

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

2nd Appellate District

Change court

Court data last updated: 06/04/2020 10:48 AM

Docket (Register of Actions)

Smolker v. Home Savings Termite Control Inc. et al.

Division 7

Case Number B287626

Date	Description	Notes
01/19/2018	Notice of appeal lodged/received.	Jan. 16, 2018 for Gary Smolker
01/19/2018	Filing fee.	check # 6727 (Jan. 16, 2018 for Gary Smolker)
02/05/2018	Civil case information statement filed.	Cross-complainant and Appellant: Gary Smolker Pro Per (Jan. 16, 2018 Appeal)
02/20/2018	Notice of appeal lodged/received.	Feb. 15, 2018 Gary Smolker
02/22/2018	Filing fee.	Check# 6755 for \$775 - (Feb. 15, 2018 Gary Smolker)
02/26/2018	Civil case information statement filed.	Cross-complainant and Appellant: Gary Smolker Pro Per (Feb. 15, 2018 Appeal)
04/05/2018	Received copy of document filed in trial court.	No reporter present for 1/20/17.

04/06/2018	Order filed.	Appellant has three pending appeals arising out of LASC Case No. BC173952. Briefing is complete in this case, B281406, but not in B286138 (Truck Insurance Exchange v. Smolker) and B287626 (Smolker v. Home Savings Termite Control Inc.) Appellant has asserted in this case that the same issues arise in all three cases. Accordingly, the cases will be considered together, at such time as briefing is complete in all cases.
09/26/2018	Record on appeal filed.	C-14 (3258 Pages) R-1
09/26/2018	Supplemental record/transcript filed.	C-6 (1252 Pages)
11/05/2018	Requested - extension of time	Appellant's opening brief. Requested for 02/05/2019 By 92 Day(s)
11/06/2018	Granted - extension of time.	Appellant's opening brief. Due on 02/05/2019 By 92 Day(s)
		<hr/> no further extensions will be granted absent a detailed showing of exceptional need (not including additional work on matters included in the current extension request)
02/06/2019	Motion filed.	Appellant's first motion to take judicial notice of documents evidencing massive miscarriage of justice related to appeal case B287626
02/08/2019	Order filed.	The court has read and considered appellant's February 6, 2019 motion to take judicial notice of documents. Good cause appearing therefor, IT IS HEREBY ORDERED that the motion is denied. IT IS FURTHER ORDERED that this shall constitute the rule 8.220(a)(1) notice. If appellant's opening brief is not filed within 15 days from the date of this order, or good cause shown for relief from default, the appeals filed January 16, 2018 and February 15, 2018 will be dismissed. (Rule 8.220(a)(1), California Rules of Court.)
02/08/2019	Appellant notified re failure to timely file opening brief.	*see order filed today (February 8, 2019)

02/26/2019	Appellant's opening brief.	Cross-complainant and Appellant: Gary Smolker Pro Per
03/01/2019	Filed proof of service.	appellant's supplemental proof of service
03/21/2019	Requested - extension of time	
03/21/2019	Granted - extension of time.	
03/26/2019	Granted - extension of time.	to 5/22/19
04/30/2019	Change of address filed for:	For: The Law Firm of Charleston, Revich and Wollitz as counsel for Respondents Coregis Group, Coregis Insurance Co and CA Insurance Co
05/13/2019	Requested - extension of time	to 6/21/19 For: Respondents Home Savings and Morris
05/16/2019	Granted - extension of time.	to 6/21/19 For Home Savings Termite Control
05/20/2019	Requested - extension of time	
05/22/2019	Granted - extension of time.	
05/22/2019	Respondent's brief.	Cross-complainant and Respondent: Coregis Group, Inc. Attorney: Robert Hoffman Cross-complainant and Respondent: Coregis Insurance Company Attorney: Robert Hoffman Cross-complainant and Respondent: California Insurance Company Attorney: Robert Hoffman
05/29/2019	Certificate of interested entities or persons filed by:	For: Respondents Coregis Group, Coregis Insurance Company and CA Insurance Company

06/20/2019	Respondent's brief.	Cross-complainant and Respondent: Home Savings Termite Control Inc. Attorney: Mark L. Kincaid Cross-complainant and Respondent: W.F. Morris Attorney: Mark L. Kincaid Two extensions granted for a total of 85 days: 03/26/2019 Granted - extension of time. Due on 05/22/2019 By 55 Day(s) 05/13/2019 Requested - extension of time. Requested for 06/21/2019 By 30 Day(s) 05/16/2019 Granted - extension of time. Due on 06/21/2019 By 30 Day(s)
06/24/2019	Certificate of interested entities or persons filed by:	Filed by Respondents Home Savings Termite Control, Inc. and W.F. Morris
06/25/2019	Filed proof of service.	RESPONDENTS HOME SAVING TERMITE CONTROL, INC. and W.F. MORRIS?Respondents' Brief filed on 6/20/19
06/27/2019	Telephone conversation with:	Appellant re: sending a corrected service list to identify respondents in this appeal after advising there is an additional respondent
06/27/2019	Letter sent to:	ALL COUNSEL: Pursuant to the civil case information statement filed February 26, 2018, Interinsurance Exchange, etc. is deemed as a respondent in the case mentioned above. Interinsurance Exchange, etc. shall file the respondent's brief within 30 days from the date of this notice. Appellant's reply brief will be due 20 days from the filing of respondent's brief.
08/06/2019	Respondent notified re failure to file respondent's brief.	Interinsurance Exchange, etc., - brief was due July 29, 2019
08/21/2019	Respondent's brief.	Cross-complainant and Respondent: Interinsurance Exchange, etc. Attorney: Elise D. Klein
08/29/2019	Requested - extension of time	Appellant's reply brief. Requested for 10/25/2019 By 45 Day(s)
08/29/2019	Granted - extension of time.	Appellant's reply brief. Due on 10/25/2019 By 45 Day(s)

No further extensions of time will be granted.

10/25/2019	Appellant's reply brief.	Cross-complainant and Appellant: Gary Smolker Pro Per No further extensions of time will be granted.
10/29/2019	Case fully briefed.	
10/29/2019	Notice sent to parties re: case fully briefed.	
12/10/2019	Calendar notice sent electronically. Calendar date:	January 10, 2020 at 1:30 p.m.
12/17/2019	Request for oral argument filed by:	Mark Kincaid for respondent. (714)462-7015
12/18/2019	Request for oral argument filed by:	Robert D. Hoffman for respondent (310)551-7016
12/20/2019	Request for oral argument filed by:	Raul L. Martinez for respondent. (213)250-1800
12/24/2019	Order filed.	The court has read and considered appellant Gary Smolker's December 20, 2019 request to continue oral argument. Good cause appearing therefor, IT IS HEREBY ORDERED that appellant's request for continuance is denied.
12/24/2019	Motion filed.	Appellant's motion to vacate and to reschedule January 10, 2020 oral argument hearing date
12/24/2019	Received:	Appellant's proposed order re motion to vacate oral argument date
12/27/2019	Order filed.	The court has read and considered appellant Gary Smolker's December 24, 2019 motion to vacate and reschedule oral argument. Good cause appearing therefor, IT IS HEREBY ORDERED that appellant's motion is denied. In addition, because all respondents have submitted timely requests for oral argument, the court expects appellant to appear for oral argument on January 10, 2020 at 1:30 p.m.
01/02/2020	Request filed to:	Appellant's request for more time for oral argument on January 10, 2020 in accordance with CRC 8.25 (c).

01/02/2020	Request filed to:	Appellant's request to submit additional briefing documents "as is" or as an attachment to supplemental brief in accordance with CRC 8.200 (a) (4).
01/03/2020	Order filed.	The court has read and considered appellant's January 2, 2020 request to file a supplemental brief and additional documents. Good cause appearing therefor, IT IS HEREBY ORDERED that appellant's request is denied.
01/03/2020	Order filed.	On April 6, 2018, this Court issued the following order : "Appellant has three pending appeals arising out of LASC Case No. BC173952. Briefing is complete in this case, B281406, but not in B286138 (Truck Insurance Exchange v. Smolker) and B287626 (Smolker v. Home Savings Termite Control, Inc.). Appellant has asserted in this case that the same issues arise in all three cases. Accordingly, the cases will be considered together, at such time as briefing is complete in all cases. " The Court is of the tentative view that the trial court did not err in granting the motions to dismiss. The only issue to be addressed at oral argument is the procedural issue arising from the dismissals; the merits of the case are not at issue at this time, and the Court will not entertain argument pertaining to those issues. Consistent with the April 6, 2018 order, each side shall have a maximum of 30 minutes of argument time in this matter. Respondents shall advise the Court prior to argument how they intend to divide their time, and appellant shall advise whether he wishes to reserve any portion of his time for rebuttal.
01/10/2020	Cause argued and submitted.	
01/22/2020	Opinion filed.	(Signed Unpublished) The judgments are affirmed. Respondents shall recover their costs on appeal. [Z-P-F]
02/10/2020	Application filed to:	Appellant Smolker's application seeking relief to file late petition for rehearing
02/10/2020	Application filed to:	Appellant Smolker's second application seeking relief to file late petition for rehearing
02/10/2020	Received:	Appellant Smolker's belated petition for rehearing
02/11/2020	Rehearing petition filed.	Appellant Smolker

02/13/2020	Order denying rehearing petition filed.	
02/20/2020	Received:	Appellant's second petition for rehearing of decisions.
02/21/2020	Order filed.	Appellant Smolker's February 20, 2020 request to file a late, second petition for rehearing is denied (Cal. Rules of Court, rule 8.268(b)(1)(A)).
02/21/2020	Request filed to:	Appellant Smolker's request relieving appellant for failure to file a timely a petition for rehearing
02/21/2020	Order filed.	Appellant Smolker's February 21, 2020 request seeking leave to file a late second petition for rehearing, submitted shortly before the close of business on the final day of this court's jurisdiction in this matter, is denied (Cal. Rules of Court, rule 8.268(b)(1)(A)).
03/26/2020	Service copy of petition for review received.	Service copy of petition for review filed by Gary Smolker in the Supreme Court
03/26/2020	Supreme Court order filed re:	The court has read and considered your application for relief from default to file an untimely petition for review. Your application has been denied and the case is closed. [S261363]
03/27/2020	Remittitur issued.	
03/27/2020	Case complete.	

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